

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 JUSE-00 SIG-01
AID-05 CIAE-00 COME-00 FRB-03 INR-07 NSAE-00 USIA-06
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DRAFTED BY EB/OT/STA:MCJONES:MH
APPROVED BY EB/OT/STA:JSSPIRO
TREAS:LBARDEN
EUR/RPE:ECASEY
EA/J:DSMITH
STR:JGREENWALD (INFO)
JUSTICE:MNEVILLE
L/EB:CROH

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FM SECSTATE WASHDC
TO USMISSION EC BRUSSELS
INFO AMEMBASSY BRUSSELS
AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY THE HAGUE
AMEMBASSY PARIS ROME
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY TOKYO
USMISSION GENEVA
USDEL MTN GENEVA
USMISSION OECD PARIS

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TAGS: ETRD, EEC

SUBJECT: U.S. STEEL ACTION IN CUSTOMS COURT AGAINST
REBATE OF VAT

REF: (A) STATE 305193 12/16/76 (NOTAL), (B) STATE 282870

11/17/76 (NOTAL)

1. ON JANUARY 6, A PRETRIAL ORDER WILL BE ISSUED
SETTING FORTH PROPOSED SCHEDULE IN U.S. STEEL CASE
AGAINST THE REBATE OF THE VALUE-ADDED TAX ON STEEL
EXPORTED FROM THE EC. ACCORDING TO THE SCHEDULE, TRIAL
OF THE CASE WOULD BEGIN ON DECEMBER 5 AND WOULD TAKE AN
ESTIMATED TWO-THREE WEEKS. (FYI. IN CONFERENCE WITH
CHIEF JUDGE AND JUSTICE ATTORNEYS, U.S. STEEL REPS INSIST-
ED THEY COULD NOT BE PREPARED FOR TRIAL EARLIER. END FYI.)
U.S. STEEL APPEARS TO DESIRE THAT THE CASE GO TO TRIAL.
THERE IS A REMOTE POSSIBILITY THAT THE COMPANY MAY MOVE
FOR SUMMARY JUDGMENT IF THE DECISION IN THE ZENITH CASE
REGARDING REBATE OF THE COMMODITY TAX ON EXPORTS OF
ELECTRONIC PRODUCTS FROM JAPAN IS AGAINST THE USG. ON
THE OTHER HAND, IF THE DECISION IN ZENITH IS IN FAVOR
OF THE USG, JUSTICE ATTORNEYS MIGHT POSSIBLY MOVE FOR A
SUMMARY JUDGMENT IN U.S. STEEL, ALTHOUGH THE COMPANY IS
LIKELY TO ASSERT THAT THE ISSUES ARE NOT THE SAME.

2. WITH THIS DELAY IN THE U.S. STEEL CASE, IT IS
POSSIBLE THAT THE FULL APPELLATE PROCESS (COURT OF
CUSTOMS AND PATENT APPEALS AND SUPREME COURT) IN ZENITH
COULD BE COMPLETED PRIOR TO A CUSTOMS COURT DECISION
IN U.S. STEEL. JUSTICE ATTORNEYS ARE PLEASED WITH THIS
TIMETABLE.

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Message Attributes

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